

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM M. TYREE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-11430-RCL
)	
UNITED STATES ARMY,)	
CID PAUL MASON,)	
CID JOSEPH BURZEWSKI,)	
)	
Defendants.)	
)	

DEFENDANT'S MOTION TO EXTEND TIME IN
WHICH TO RESPOND TO COMPLAINT

Now comes the above-captioned Defendants,¹ and hereby move this Court for an extension of time **up to and including November 15, 2004**, to respond to Plaintiff's Complaint ("Complaint"). As reasons therefor, the undersigned counsel for Defendants assert that Defendants are in the process of obtaining information necessary to respond to the Complaint which is extremely difficult to comprehend and pertains to events that occurred over twenty-five (25) years ago. Plaintiff is incarcerated in a state correctional facility serving a life sentence and will not be prejudiced by an extension of time.

In short, such an extension of time will allow the Assistant U.S. Attorney the additional

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Respondents are not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Defendants intend to raise those defenses when it answers or otherwise responds to the Complaint.

time to obtain relevant facts and background information of this matter from the relevant agency (United States Army).

WHEREFORE, Defendants respectfully request that this Court allow its Motion for an Extension of time **up to and including November 15, 2004**, to respond to the Motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/
Michael P. Sady
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: September 14, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this 14th day of September 2002, I served upon the Plaintiff, pro se, a copy of the foregoing document at MCI Walpole, P.O. Box 100, South Walpole, MA 02070, by depositing in the United States mail first-class a copy of same in an envelope bearing sufficient postage for delivery:

/s/
Michael P. Sady
Assistant United States Attorney

LOCAL RULE 7.1(A)(2) CERTIFICATION OF COMPLIANCE

Because Plaintiff is a prisoner currently incarcerated in a state correctional facility, counsel for the United States respectfully requests leave to file this Motion and accompanying Memorandum of law without a 7.1 conference.

/s/
Michael P. Sady
Assistant United States Attorney